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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,872	12/31/2003	Tarmo Hyttinen	915-008.018	6329
4955 7590 08/20/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER PESIN, BORIS M	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/749,872

Applicant(s)

HYTTINEN ET AL.

Examiner

Boris Pesin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

This communication is responsive to the amendment filed 5/25/2007.

Claims 1-22 are pending in this application. Claims 1 and 10 are independent claims. In the amendment filed 5/25/2007, Claims 1-4 and 6-20 were amended and claims 21 and 22 were added as new. This action is made Final.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 and 22 recites the limitation "past alarms stopped or snoozed" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-7, 9-13, 15-16, and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. ("Miller" US 7,149,810).

In respect to independent claim 1, Miller teaches a method comprising:

registering an alarm event that relates to a past alarm in an electronic device

(Column 2, Lines 22-23);

storing the registered alarm event in a list in a device storage (Figure 7, Column 11, Lines 19-21); and

presenting at least a portion of the list of registered alarm events to a user of the device (Figure 5—*calendar interface 500*, Column 7, Lines 54-57).

As per claim 2, Miller teaches storing the status of an alarm that corresponds to a registered alarm event, and the status of future alarms, in the list (Column 2, Lines 41-46, Column 10, Line 67-Column 11, Lines 1-4).

As per claim 3, Miller teaches allowing a user to edit said list (Column 8, Lines 39-45).

As per claim 4, Miller teaches editing said list via an input device of the device (Column 5, Lines 13-16).

As per claim 6, Miller teaches that the list of alarm events is presented to a device user via a display of the device (Figure 2—*video display adaptor 164*).

As per claim 7, Miller teaches transferring the list of events from the device via a cable or wireless connection to a receiving means (Figure 1, Column 4, Lines 18-22 and 36-42).

As per claim 9, Miller teaches a computer-readable medium having a computer program stored thereon, said computer program comprising computer executable components for causing a device to perform the steps recited in claim 1 when the computer-executable components are run on a microprocessor included in the device (Column 5, Lines 60-61).

Claim 10 is similar in scope to claim 1, and is therefore rejected under similar rationale. Miller further teaches a microprocessor, a memory, and a display (Column 4, Lines 43-44).

Claims 11-13, 15-16 and 19 are similar in scope to claims 2-8 and 7 respectively, and are therefore rejected under similar rationale.

Claim 18 is similar in scope to combination of claims 10 and 16, and is therefore rejected under similar rationale.

As per claim 20, Miller teaches that the second device is arranged with a display via which the list of alarm events is presented to a user of the second device, and which second device is further arranged with an input device via which the user can edit the list (Figure 1—*PDA 102C with display and input device*).

As per claim 21, Miller teaches the method of claim 4, wherein past alarms stopped or snoozed by said user using said input device are shown in said list and are

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editable by said user using said input device (See Figure 7 and Column 10, Lines 45-64).

Claim 22 is similar in scope to claim 21; therefore it is rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 8, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Miller et al. ("Miller" US 7,149,810) in view of Yach et al. (US 2002/0128036).

As per claim 5, Miller does not teach that the past alarm was an alarm sounded via a speaker. Yach teaches, "There are several ways to notify the user before the event is reached including but not limited to: running a vibrator, blinking a light,

sounding an alarm, popping up a notification box on the screen or some combination of the above. The user can select the amount of time before the event takes place before starting the alarm, the user can also select the alarm method, i.e. vibration, beeping or a combination of the two." (Paragraph 0091). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Miller with the teachings of Yach and include an audio alarm with the motivation to provide the user with an alarm that is able to obtain attention with greater effectiveness.

As per claim 8, Miller and Yach teach a method wherein past alarm was alarmed via a vibrator instead of said speaker in a mobile phone (Yach, Paragraph 0091).

Claims 14 and 17 are similar in scope to claims 5 and 8 respectively; therefore they are rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments filed 5/25/2007 have been fully considered but they are not persuasive.

The Applicant argues that calendar entries are not alarm events and they do not relate to past alarms. The Examiner respectfully disagrees. The Applicant argues that the common dictionary definition of "alarm" is "an automatic device that serves to call attention ... or to give warning of some kind." (Page 7). The Examiner contends that, a calendar entry does exactly that. It alerts the user that he/she has an event at a specific time. Furthermore, the Applicant states in the abstract of his disclosure that an "alarm can relate to a reminder, **an indication in the calendar** of the phone, the activation of a

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wake-up alarm, etc." (Abstract). Clearly a calendar entry is an indication in the calendar.

Furthermore, with regards to the Applicant's argument that a calendar entry does not relate to a past calendar entry, the Examiner disagrees. In Miller, the user is able to edit entries of a calendar. If the user is editing entries of a recurring event, the entries that have already occurred do not change, only the entries that are still to come are modified (See Column 10, Lines 45-64). Hence, the user is able to register alarm events (future calendar events) that **relate** to past alarms (past calendar events).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



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***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BP

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100